

Swain, JT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

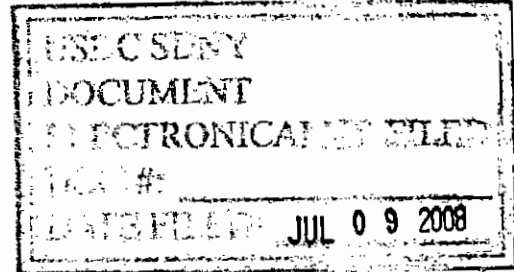
THE DISTRICT DENTAL SOCIETY OF THE
FIRST JUDICIAL DISTRICT, D/B/A THE NEW
YORK COUNTY DENTAL SOCIETY

Plaintiffs,

- against -

THE NEW YORK COUNTY DENTAL
ASSOCIATION, INC., ELLIOTT MOSKOWITZ,
MELVYN LEIFERT, and ROBERT RAIBER

Defendants.



Case No. 08 CIV 5062 (LTS)(MHD)

STIPULATION

WHEREAS, on June 4, 2008, plaintiff the District Dental Society of the First Judicial District, d/b/a the New York County Dental Society (the "Society") served and filed an order to show cause for a preliminary injunction and temporary restraining order; and

WHEREAS, on June 4, 2008, counsel for the Plaintiff and counsel for the Defendants appeared before United States District Judge Laura Taylor Swain concerning plaintiff's application for a temporary restraining order; and

WHEREAS, the parties stipulated on the record at the hearing on June 4, 2008 to the terms of a temporary restraining order wherein the Defendants agreed (i) to remove the website from the world wide web bearing the domain name www.nycdentalassociation.org, (ii) to cease and desist from distributing any communications bearing the name New York County Dental Association or New York County Dental Society, and (iii) to cease and desist from marketing, advertising or distributing any services using the name New York County Dental Association or New York County Dental Society; and


WHEREAS, on June 24, 2008, without any acknowledgement that Plaintiff's unfair competition and trademark claims have any merit whatsoever, Defendants represented to the Court that they are in the process of changing the name of the New York County Dental Association to a new name completely dissimilar to "New York County Dental Society"; and

WHEREAS, on June 25, 2008, the United States District Judge entered an Order to Show Cause requiring the Society to show cause, by written submission, why Plaintiff's request for preliminary and permanent injunctive relief on its trademark and unfair competition claims is not now moot.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The Defendants shall permanently refrain from distributing, displaying and advertising any services under the name New York County Dental Association.

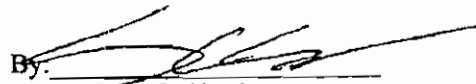
2. The Society hereby withdraws, with prejudice, its application for an order to show cause for preliminary injunction and temporary restraining order based on the Defendants' use of the name New York County Dental Association. The Society reserves all rights to seek injunctive relief on other grounds.

3. The parties are directed to Magistrate Judge Dolinger for scheduling discovery and the briefing of any motion practice on any remaining issues on July 15, 2008, at 2:00pm. 

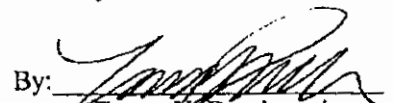
4. Defendants, who have indicated their intent to file a motion to dismiss in lieu of an Answer, will confer with Plaintiff and/or Judge Dolinger to set a briefing schedule for that motion and, accordingly, the Defendants time to Answer or otherwise respond to the Complaint is extended for 16 days until July 30, 2008.

DATED: New York, New York
July 2, 2008

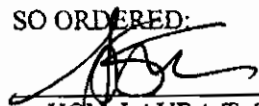
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SO ORDERED:

 7/9/2008
HON. LAURA T. SWAIN U.S.D.J.